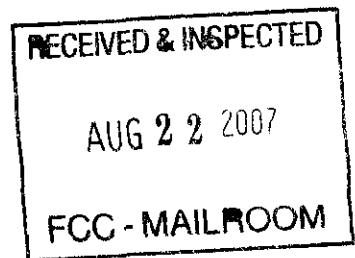


ORIGINAL ✓

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554



In the Matter of ) MB Docket 03-44  
Amendment of Section 73.202b ) RM-10650  
Table of Allotments, (Water Mill, NY) )

COMMENTS

These Comments are provided to the Commission in response to a Petition for Reconsideration filed by Sacred Heart University.

Sacred Heart University ("SHU"), licensee of a translator at Noyack, NY (W277AB), has filed a Petition for Reconsideration of the FCC's Report and Order in this proceeding. It alleges that the Commission did not consider SHU's Counterproposal to add Channel 277A at Noyac, NY as a new allocation and permit SHU to amend its license for WSUF to operate on 277A\* as a NCE station.

However, the Commission acted fully on SHU's request, and provided the remedy sought by SHU.

In Paragraph 1 of the "Background" portion its Petition for Reconsideration, SHU clearly states its goals:

*"SHU operates FM translator W277AB at Noyack, NY and the allotment of Channel 277A at Water Mill as proposed would have forced SHU to cease operation of its translator. Thus SHU filed Comments and a Counterproposal in this proceeding on April 11, 2003, which proposed an alternate channel (Channel 233A) at Water Mill that would*

- (i) satisfy the interest in operating a station at Water Mill expressed by the Petitioner, Isabel Sepulveda, and*
- (ii) allow SHU to continue operating its translator.*

*SHU also proposed, in lieu of allocating Channel 277A at Water Mill, the allotment of Channel 277A to Noyack, New York, which would actually constitute an improvement of WSUF's signal. The Bureau granted SHU's request to allot Channel 233A at Water Mill, But completely ignored SHU's request to allot Channel 277A\* at Noyack".*

(emphasis added for clarity)

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### DISCUSSION

The instant pleading by SHU is clearly not supported by SHU's own words, and should be denied. The Bureau did not err: it granted SHU's request in its entirety, or at least the entirety limited by SHU's own defined parameters. And it elected not to allocate 277A to Noyack, only to have it immediately reclassified as an NCE facility

As expressed above, SHU had two issues to address when it filed its pleading. It got a positive response from the Bureau on both.

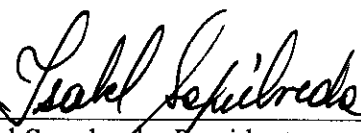
(i) Channel 233A was allocated to Water Mill, satisfying the request for a new allocation to that community, and (ii) SHU protected its Class D facility W277AB.

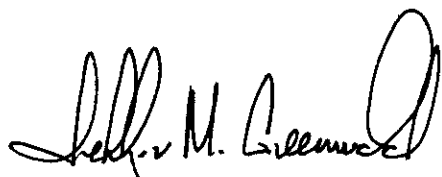
Had the Commission granted Water Mill an allocation of 277A, then and only then would that event trigger the request to have 277A be reclassified as a NCE facility, that is 277A\*. Thus everything expressed in SHU's subsequent convoluted arguments is moot.

Webster's New World Dictionary clearly defines "*in lieu of*" as "instead of" or "in place of". With either of those phrases substituted in the statement above, it is abundantly clear that the issue of reclassifying 277A as 277A\* should properly not be considered in this proceeding. Keep in mind that scholars and highly educated persons chose SHU's words carefully, and they underwent professional review. The Commission must take SHU's words at literal face value in the same manner it applies a "hard look" at license applications.

Respectfully submitted,

ISABEL SEPULVEDA, INC.

By:   
Isabel Sepulveda, President  
August 17, 2007

  
Notary Public

JEFFREY M. GREENWALD  
Notary Public, State of New York  
No. 01GR6093982  
Qualified in Suffolk County  
Commission Expires June 9, 2011

**CERTIFICATE OF SERVICE**

I, Isabel Sepulveda, hereby certify that on this 17<sup>th</sup> day of August 2007, copies of the foregoing "Comments" were sent by First Class Mail, postage prepaid, to the following:

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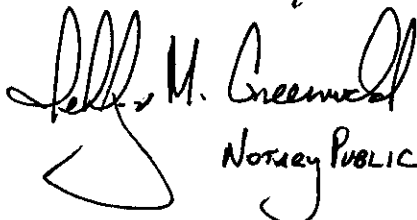
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